In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.1204 of 2007.

Date of decision:20.3.2007.

M/s Baljit Bros. and another.

...Petitioners.

Versus

State Bank of India and others.

...Respondents.

...

Coram: Hon'ble Mr .Justice S. N. Aggarwal.

...

Present: Mr.V.K.Sandhir Singh Advocate for the petitioners.

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Judgment.

S. N. Aggarwal, J.

The petitioners are challenging the order dated 10.12.2005 by filing this Civil Revision on 5.3.2007.

The petitioners are judgment debtors and the impugned order dated 10.12.2005 was passed by the executing Court i.e. Civil Judge (Senior Division), Amritsar in the execution application in the presence of counsel for the petitioners. Neither the decree holders nor their counsel was present and the said execution application was dismissed under Order 9 Rule 8 CPC on 10.12.2005. The order dated 10.12.2005 could be assailed by the decree holders as their execution application was dismissed. The said order has been passed in favour of the petitioners as the execution application has been dismissed-in-default under Order 9 Rule 8 CPC .

The submission of learned counsel for the petitioners was that some of the applications which were filed by the petitioners i.e. judgment debtors were still pending when the execution application was dismissed in default by the learned executing Court on 10.12.2005. Hence, the execution application could not be dismissed without disposing of those applications.

No such submission was made by the judgment debtors i.e. the petitioners before the executing Court on 10.12.2005. Even if the execution application could not be dismissed in default without disposing of the applications filed by the petitioners or that the said order was defective, then the said order could be challenged by the petitioners within a reasonable time.

Hence, the order dated 10.12.2005 has been challenged by the petitioners by filing this Civil Revision on 5.3.2007 after delay of more than 14 months. The delay has not been explained and the Civil Revision is dismissed on the ground of delay and laches.

March 20,2007. (S. N. Aggarwal)
Jaggi Judge